CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

APRIL 20, 2004

INVOCATION
Pastor David Brogren of Santa Maria Community Church gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG
Councilmember Trujillo led the pledge of allegiance.

ROLL CALL
MEMBERS PRESENT
Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino.

ALSO PRESENT
City Manager Ness, Assistant City Manager Haydon, Senior Deputy City Attorney Stockton, Director of Administrative Services Cox, Director of Community Development Lindsey, Director of Public Works Karp, Fire Chief Ortiz, Police Chief Macagni, Recreation and Parks Director Posada, Utilities Manager Chisam, Senior Civil Engineer Nybo, City Engineer Sweet, Parks Services Manager Franklin, and Chief Deputy City Clerk Perez.

KCOY'S SPRING FOOD DRIVE
Mayor Lavagnino read the proclamation declaring April 19th through May 20th as KCOY's Spring Food Drive in the City of Santa Maria and encouraged all residents of the Santa Maria Valley to participate by collecting cans of food for donation to the Food Bank. The proclamation was presented to Lorrie Pippan and Narissa Sugars.

COMMENDING FIRE FIGHTER JOSEPH MARTINEZ
Councilmember Orach read the proclamation commending Fire Fighter Joseph Martinez for his continuous efforts in assisting the bomberos of the Obregon Fire Department with training and life-saving skills, so they may operate in a safer manner and provide an improved level of service to the residents of Obregon, Mexico. The proclamation was presented to Joseph Martinez.

FINANCIAL LITERACY MONTH
Councilmember Trujillo read the proclamation declaring the month of April 2004 as Financial Literacy Month in the City of Santa Maria and encouraged all citizens to become financially literate to provide a more secure financial future. The proclamation was presented to Sandy McNeil.

LIFE STEPS FOUNDATION, INC.
Councilmember Mariscal read the proclamation commending Life Steps Foundation, Inc. on its 21st anniversary celebration commemorating the success of its ability to respond to identified community needs. The proclamation was presented to Nola Veazie.

MONTH OF THE MILITARY CHILD
Councilmember Patino read the proclamation declaring the month of April 2004 as the Month of the Military Child in the City of Santa Maria and encouraged all residents to remember the children of the military and appreciate what those children go through and to celebrate their lives, as well as their spirit. The proclamation was presented to Julie Ramsey.

VOLUNTEER OF THE MONTH
Councilmember Patino presented a gift to Vicki Book, Recreation and Parks Volunteer of the Month for April 2004 for her commitment and dedication to the Families for the First Decade Program by volunteering her time, talent, and financial resources to personally fund the Team Teen Program.

TREE CITY USA AWARD
Parks Services Manager Franklin, "Terry the Tree", and Darla Mills from the California Department of Forestry presented the City Council with the Tree City USA Award received by the City of Santa Maria for the 23rd continuous year.

ANNOUNCMENTS
Mayor Lavagnino expressed condolences to the family of Doug Martin and said he was a really great man.

Mayor Lavagnino spoke about the outpouring of love from Santa Marians to Mark Riddering, a retired Santa Maria Police Corporal, who is suffering from Lou Gehrig's disease. He commended Lori Macagni for her hard work and effort in putting on such a successful event.

Chief Macagni explained that Friday night the Police Department had a fund raiser dinner and auction. The event raised well over $107,000 for the Riddering family. 550 people attended the event. This is what Santa Maria is all about.

Mayor Lavagnino presented an etched bottle of wine purchased at the auction to Chief Macagni to give to Mark Riddering.

CONSENT CALENDAR
Ernest Armenta and Councilmember Mariscal requested Item 2D be pulled for discussion.

Mayor Lavagnino and Councilmember Patino requested Item 2O be pulled.

Item 2D is a resolution supporting a legal challenge against the proposed Triple Flip.

Mayor Lavagnino asked City Manager Ness to explain what the Triple Flip was.

City Manager Ness explained the Triple Flip was the State's proposal for paying bonds. It would allow the State to address their budget deficit problem with three flips: 1) the State would repeal the ¼ cent local sales tax enacted by cities and counties; 2) replace it with a new ¼ cent tax dedicated to repaying the deficit reduction bonds; and 3) promise to pay back local government the ¼ cent sales tax by reallocating property tax revenues from the Educational Revenue Augmentation Fund (ERAF). Cities don't believe the State will pay back the sales tax. The State has already taken property taxes and vehicle license fees from local government. The lawsuit was filed by the City of Cerritos. So far 46 cities have already signed on to support the lawsuit. If the City signed on, it wouldn't cost the City any money. It would just be adding its name for support.

Councilmember Mariscal asked City Manager Ness to talk about the League of California Cities initiative.

City Manager Ness explained the League of California Cities had been collecting signatures to qualify an initiative for the November 2004 ballot. Over 1 million signatures had been turned in. The initiative would guarantee that the State would not be able to steal vehicle license fees, property tax, or sales tax revenues from local governments without placing the item on the ballot and asking the voters to approve that taking.

Ernest Armenta requested City Manager Ness place an item on a future agenda before the November election to fully explain the ballot initiative so the voters would understand it.

Item 2O is a call for bids for the River Oaks Park and Multi-Purpose Trail.

Mayor Lavagnino asked if the project would take care of the lake property.

Director of Recreation and Parks Posada explained that this was the first step to start construction of the project.

Councilmember Mariscal announced he would be abstaining from Item 2B, Minutes of the last meeting, as he had been absent from that meeting.

Consent Calendar Items A through V, were accepted, approved with the indicated action, and ordered ratified on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES:	Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	Councilmember Mariscal (Item 2B only)

A. ORDINANCES
Recommendation of City Staff to waive the reading in full of all ordinances. Ordinances on the Consent Calendar will be adopted by the same vote cast at the first reading unless City Council indicates otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of April 6, 2004 were approved as submitted.

C. PERSONNEL CHANGES
Resolution No. 2004-53 was adopted approving personnel changes and creating job classifications associated with the City's Public, Education and Government (PEG) access operations and programming.

Resolution No. 2004-53 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA APPROVING PERSONNEL CHANGES ASSOCIATED WITH PUBLIC, EDUCATION AND GOVERNMENT (PEG) ACCESS OPERATIONS AND PROGRAMMING.

Resolution No. 2005-54 was adopted amending Appendix A of the City's Conflict of Interest Code to add the position of PEG Coordinator.

Resolution No. 2004-54 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA AMENDING APPENDIX "A" OF THE CONFLICT OF INTEREST CODE FOR DESIGNATED FILERS OF THE CITY OF SANTA MARIA.

D. SUPPORTING LEGAL CHALLENGE
Resolution No. 2004-55 was adopted supporting the legal challenge to the "Triple Flip" and authorizing the City Attorney to include the City of Santa Maria as a plaintiff, along with many other cities in the State, in a legal challenge to invalidate the preemption of the one-quarter cent local sales tax as part of the State's proposal for the "Triple Flip."

Resolution No. 2004-55 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA AUTHORIZING THE CITY ATTORNEY TO INCLUDE THE CITY OF SANTA MARIA AS A PLAINTIFF, ALONG WITH MANY OTHER CITIES IN THE STATE, IN A LEGAL CHALLENGE TO INVALIDATE THE PREEMPTION OF THE ONE-QUARTER CENT LOCAL SALES TAX AS PART OF THE STATE'S PROPOSAL FOR THE "TRIPLE FLIP."

E. BOND RELEASE
Council accepted as complete the public improvements and authorized the release of the Faithful Performance Bond for River Oaks North, Tract 5778, Phase 1, in the reduced amount of $25,000 with the order that the Contractor, Labor and Material Bond and Defective Materials Bond be held for six months and one year respectively.

F. BOND RELEASE
Council accepted as complete the boundary walls and authorized the release of the Faithful Performance Bond for River Oaks North, Tract 5778, Phase 2 & 3 in the amount of

$80,730 with the order that the Contractor, Labor and Material Bond be held for six months.

G. BOND RELEASE
Council accepted as complete the boundary walls and authorized the release of the Faithful Performance Bond for the following North Preisker Ranch Subdivisions, Tract 5764: Phase 1, Unit 1; Phase 1, Units 2 and 3; Phase 3, Unit 1 in the amounts of $48,880, $18,151, and $10,489, with the order that the Contractor, Labor and Materials Bonds be held for six months.

H. BOND RELEASE
Council accepted as complete the landscaping and irrigation and authorized the release of the Faithful Performance Bond for Princess Estates, Tract 5699, Phase 2, in the amount of $49,575, with the order that the Contractor, Labor and Material Bond and the Planting and Irrigation Maintenance Bond be retained for a period of six months and one year respectively.

I. WARRANTS.
Warrant Nos. 111883 to 112178 in the amount of $1,745,195.93 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 107545, 110331, 111769, 111822, and 111971 were cancelled.

J. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads as shown on records on file in the Administrative Services Department and having been approved for payment by the Director of Administrative Services.

K. SPECIAL ASSESSMENT AGREEMENT
Resolution No. 2004-56 was adopted approving an agreement with the County of Santa Barbara for collection of special assessments as part of the annual property taxes and authorizing the Director of Administrative Services to execute the agreement.

Resolution No. 2004-56 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA AUTHORIZING THE EXECUTION OF A CONTRACT WITH THE COUNTY OF SANTA BARBARA FOR COLLECTION OF SPECIAL ASSESSMENTS AND AUTHORIZING THE DIRECTOR OF ADMINISTRATIVE SERVICES TO EXECUTE THE CONTRACT.

L. ORDINANCE NO. 2004-05
Second reading of Ordinance No. 2004-05 was conducted by title only and the ordinance was adopted amending Section 1-7.02 of the Santa Maria Municipal Code pertaining to citation authority to add Park Service Officers to the list of positions authorized to issue citations.

Ordinance No. 2004-05 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA AMENDING SECTION 1-7.02 OF THE SANTA MARIA MUNICIPAL CODE, RELATING TO CITATION AUTHORITY FOR PARK SERVICES OFFICERS.

M. ALCOHOLIC BEVERAGE LICENSE
Council noted and filed a Notice from the California Department of Alcoholic Beverage Control of an application for an Alcoholic Beverage License as a broker in an existing industrial building for TTE International, Inc., at 2320 Thompson Way, Suite L.

N. ALCOHOLIC BEVERAGE LICENSE
Council noted and filed a Notice from the California Department of Alcoholic Beverage Control of an application for an Alcoholic Beverage License in an existing business (Person to Person Transfer) for Paul's Market at 408 North Benwiley.

O. CALL FOR BIDS
Council granted approval to call for bids on the plans and specifications for River Oaks Park and Multi-purpose trail, Bid No. 2004/13.

P. NOTICE OF COMPLETION
Council approved the filing of the Notice of Contract Completion for Lechate and Transfer Facility, Bid No. 2002/04.

Q. MINING AND MARKETING AGREEMENT
Resolution No. 2004-57 was adopted approving an agreement with Union Asphalt to perform mining and marketing of clean backfill soil at the Santa Maria Regional Landfill.

Resolution No. 2004-57 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA APPROVING AN AGREEMENT WITH UNION ASPHALT, INC. TO PERFORM MINING AND MARKETING OF CLEAN BACKFILL SOIL AT THE SANTA MARIA LANDFILL.

R. LANDFILL GAS AGREEMENT
Resolution No. 2004-58 was adopted approving a revised agreement with J & A – Santa Maria, LLC for use of landfill gas from the Santa Maria Regional Landfill for electrical power generation at Marian Medical Center.

Resolution No. 2004-58 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA AUTHORIZING AND DIRECTING THE CITY MANAGER OR HIS/HER DESIGNEE TO EXECUTE A REVISED AGREEMENT WITH J & A – SANTA MARIA, LLC TO UTILIZE LANDFILL GAS AT THE SANTA MARIA REGIONAL LANDFILL FOR SALE TO MARIAN MEDICAL CENTER.

S. PURCHASE OF PROPERTY
Resolution No. 2004-59 was adopted appropriating sufficient funds and approving escrow instructions to purchase approximately 240 acres of property adjacent to the Wastewater Treatment Plant for construction of additional percolation ponds from Apio Land Company.

Resolution No. 2004-59 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA TO APPROPRIATE SUFFICIENT FUNDS TO PURCHASE APN 117-191-10, APN 117-191-13, AND APN 117-820-02 FOR THE EXPANSION OF THE WASTEWATER TREATMENT PLANT.

T. LONG TERM SOLID WASTE PLAN
Resolution No. 2004-60 was adopted approving the Multi-Jurisdictional Solid Waste Task Group (MJSWTG) "Work Summary and Countywide Long Term Solid Waste Plan."

Resolution No. 2004-60 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA APPROVING WORK SUMMARY AND COUNTYWIDE LONG-TERM SOLID WASTE MANAGEMENT PLAN, FEBRUARY 2004, DRAFTED BY THE COUNTYWIDE MULTI-JURISDICTIONAL SOLID WASTE TASK GROUP, AS THE PLAN RELATES TO THE CITY OF SANTA MARIA.

U. NO STOPPING ZONES
Resolution No. 2004-61 was adopted approving the establishment of no stopping zones on Western Avenue near Harding Avenue, and on Railroad Avenue at Fesler Street and at Patti Lane.

Resolution No. 2004-61 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA ADOPTING NO STOPPING ZONES ON WESTERN AVENUE AND RAILROAD AVENUE PURSUANT TO SECTION 7-5.16 OF THE SANTA MARIA MUNICIPAL CODE.

V. ANNEXATION OF PROPERTY TO LANDSCAPE DISTRICTS
Resolution Nos. 2004-62, 2004-63 and 2004-64 were adopted annexing five (5) parcels into the Northwest, South Miller Street/South College Drive and Southwest Landscape and Lighting Districts.

Resolution No. 2004-62 adopted A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA ANNEXING AND AUTHORIZING THE ASSESSMENT OF LANDSCAPE MAINTENANCE FEES TO TIMO'S AUTO SALES

LOCATED IN THE NORTHWEST LANDSCAPE MAINTENANCE DISTRICT (STREETS AND HIGHWAYS CODE SECTION 22500, ET SEQ.)

Resolution No. 2004-63 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA ANNEXING AND AUTHORIZING THE ASSESSMENT OF LANDSCAPE MAINTENANCE FEES TO SANTA MARIA BUSINESS AND RECORD STORAGE LOCATED IN THE SOUTH MILLER STREET/SOUTH COLLEGE DRIVE LANDSCAPE MAINTENANCE DISTRICT (STREETS AND HIGHWAYS CODE SECTION 22500, ET SEQ.)

Resolution No. 2004-64 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA ANNEXING AND AUTHORIZING THE ASSESSMENT OF LANDSCAPE MAINTENANCE FEES TO CERTIFIED TERMITE & PEST CONTROL, GARRISON COURT, AND COYWAY III PARCEL MAP LOCATED IN THE SOUTHWEST LANDSCAPE MAINTENANCE DISTRICT (STREET AND HIGHWAYS CODE SECTION 22500, ET SEQ.)

PUBLIC COMMENT

Ernest Armenta spoke about discontented voters in the City.

James Watson spoke against fluoridation.

HAGERMAN SPORTS COMPLEX ANNEXATION

Director of Community Development Lindsey gave the staff report. The item is a request to prezone the property at 3300 Skyway Drive known as the Hagerman Sports Complex to OS (open space) and to adopt a Resolution of Application for the annexation of the property into the City. The City began leasing the property from the County of Santa Barbara in January 1986 for the purpose of constructing and operating a four-field softball complex. The City Council approved a property conveyance from the County to the City in April 2001, and a quitclaim deed transferring the property was recorded on May 22, 2002. Director of Recreation and Parks Posada applied for annexation and prezoning of the property. The City of Santa Maria currently owns the subject property. However, because the sports complex is not within the City limits, any law enforcement actions are handled through the County Sheriff's office and not the Santa Maria Police Department which makes it difficult to enforce Santa Maria ordinances at a City owned and operated facility. The annexation and prezoning are consistent with the General Plan. On March 17, 2004, the Planning Commission recommended the City Council approve the prezoning and the annexation.

Mayor Lavagnino opened the public hearing.

Toru Miyoshi spoke about his involvement in the development of the Hagerman Sports Complex as a former Supervisor and Councilmember and asked the Council to take into account the interests of the residents of Santa Maria and especially the softball leagues before taking any action on contracting with a private enterprise to take over operation of the facility.

Hearing no further testimony, Mayor Lavagnino closed the public hearing.

Councilmember Patino asked about the improvements on the site.

Director Posada explained that the project was totally a City project with the County supplying the land. It was totally funded with City money. Conveyance of the property had been going on for four years or more. The City's cash input into the project was $2.2 million. The only private money in the project was a small amount from the softball association.

Ordinance No. 2004-06 prezoning the property to OS (open space) was introduced by title only for first reading and continued to the next meeting for second reading and adoption on motion by Councilmember Orach, second by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2004-06 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA PREZONING THE HAGERMAN SPORTS COMPLEX, LOCATED AT 3300 SKYWAY DRIVE.

Resolution No. 2004-65 was adopted on motion by Councilmember Orach, second by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2004-65 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA APPROVING A RESOLUTION OF APPLICATION INITIATING PROCEEDINGS FOR THE HAGERMAN SPORTS COMPLEX REORGANIZATION (ANNEXATION #104).

TRANSFER OF PROPERTY (STOWELL GAP)
Senior Civil Engineer Nybo gave the staff report. This item is a request to transfer a strip of remnant property in the vicinity of the Stowell Manor and Victoria Gardens subdivisions. The property is 13 feet wide at the north diminishing to .41 feet at Battles Road and is generally inaccessible to City personnel. The property has been fenced and walled by various homeowners on both the east and west. The east line of the property is the west line of the Stowell Manor subdivisions which were recorded in 1959. At the time this was the westerly City limits. The Tentative Tract conditions of approval for the two Victoria Gardens subdivisions on the west required annexation to the City and incorporation of the subject property into the adjacent 31 Victoria Gardens lots. However, the Victoria Gardens subdivisions were redesigned and recorded in 1962 without incorporating the subject property into the lots. The City acquired the property from the County and a private landowner in 1972 and 1973. The property is a nuisance and serves no public purpose. Currently three Stowell Manor lots are encroaching into the Stowell Gap.

Councilmember Trujillo asked if the Council approved this request would those three property owners that are encroaching be injured as a result.

Mr. Nybo explained that those three lots were taking advantage of City property by encroaching onto City property. At some point they put their fences on that City property, but when that was done is not known. He showed on the aerial photo the area where those lots were located.

Mayor Lavagnino said he didn't want to see a dispute between two property owners arising if the City gave the property to the Victoria Gardens property owners. He asked why the City could not deed the property adjacent to the three Stowell Manor properties to the owners who were currently using it and the rest to the Victoria Gardens property owners.

Mr. Nybo replied that the City had the authority to do that but cautioned the Council on drawing the line somewhere.

Mayor Lavagnino said he thought the City should put the line where the property owners have assumed it was for the past forty years.

Mayor Lavagnino asked Bob Abajados, 1359 S. Thornburg, if he cared who got the property.

Mr. Abajados replied he had recently purchased the property and had been told that area was a public utility easement.

Ignacia Androtti, 1340 S. Wallace, said he didn't have a problem with leaving the property line where it was because he didn't want to move the block wall that was there. Mr. Garcia's lot line on the Victoria Gardens side would not change.

Lino Salvador, owner of 1349 S. Thornburg Street, indicated he lived in Colorado and rented the property on S. Thornburg. He said there was an existing block wall on the east side of the Stowell Gap. He said what was lost in the translation to the property owners on both sides was that this was a virtual piece of property. People thought their fences would have to be moved at their expense. That has been the confusion.

Mary Brown, Brown Realty and Property Management, said she had been managing Mr. Salvador's property since 1986. It has always been her and Mr. Salvador's assumption that the property was his until Mr. Garcia had called her last year and said it was part of his property.

Tina Centeno, 1324 S. Wallace, stated she had part of the 13 foot gap. She started this process with City staff some time ago. She had worked on it for twenty years. She said after reviewing all the records she had been able to find, she felt staff was making the right recommendation. It appeared that it was a mistake in the surveying and should have gone to the property owners in Victoria Gardens.

Mayor Lavagnino suggested the Council continue the item and allow staff to work with the property owners to resolve the three situations so that people's fences would not have to be moved.

On motion by Councilmember Mariscal, second by Councilmember Patino, and carried unanimously, the public hearing was continued to the meeting of May 18th and staff was directed to try to amicably resolve the three situations with the remainder going to the Victoria Gardens property owners.

WEED ABATEMENT PROGRAM

Director of Public Works Karp gave the staff report. On March 16, 2004, the City Council adopted Resolution No. 2004-34 declaring that public and unimproved private lots constituted a public nuisance and set tonight as the date Council would hear comments or objections regarding the requirements to destroy weeds and remove rubbish, refuse, and dirt from said properties. Streets and Facilities staff mailed 140 abatement letters to owners of 198 properties. The purpose of the abatement letter is to make certain that property owners are aware that property they own requires appropriate maintenance and gives the owners an opportunity to accomplish the abatement on their own. Owners of undeveloped lots who are not successfully notified through the abatement mailing process will have their properties posted.

Mayor Lavagnino opened the public protest hearing.

Hearing no protests, Mayor Lavagnino closed the hearing.

Resolution No. 2004-67 was adopted on motion by Councilmember Orach, second by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2004-67 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA OVERRULING OBJECTIONS TO THE ABATEMENT OF WEEDS, RUBBISH, REFUSE, AND DIRT PURSUANT TO TITLE 5, CHAPTER 8 OF THE SANTA MARIA MUNICIPAL CODE.

Councilmember Patino asked where the City stood on backyards that had fire, health, and safety problems.

Director Karp explained that those were handled on a case-by-case basis as complaints were received by either the Fire Department, the Code Compliance Division, or the Public Works Department depending on the issue.

Senior Deputy City Attorney indicated that when the City Attorney's Office or Code Compliance Division received a service request about a specific piece of property, they tried to pursue it and resolve the problem. They did have privacy issues that needed to be addressed as well. City staff needed the property owner's permission to go into the backyard.

MEASURE "D" FIVE YEAR PROGRAM OF PROJECTS

City Engineer Sweet gave the staff report. In November 1989, the voters approved the Santa Barbara Improvement Program Ordinance and Expenditure Plan known as Measure "D". The ordinance required initial adoption of a Five-Year Plan and annual updates. The Five-Year Local Program of Projects lists proposed projects that comply with the requirements of the ordinance. The Program of Projects being proposed for fiscal years 2004-05 to 2008-09 allocates the funds to a category entitled "Street Maintenance and Various Improvements" including chip seals, overlays and reconstruction of street surfaces.

Mayor Lavagnino opened the public hearing.

Hearing no requests to speak, Mayor Lavagnino closed the public hearing.

Resolution No. 2004-68 was adopted on motion by Councilmember Orach, second by Councilmember Mariscal, and carried on the following vote:

AYES:	Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES:	None
ABSENT:	None
ABSTAIN:	None

Resolution No. 2004-68 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA APPROVING THE MEASURE "D" FIVE-YEAR PROGRAM OF PROJECTS FOR FISCAL YEARS 2004-05 TO 2008-09.

Councilmember Patino read from the staff report the list of projects that had been completed or were in the process using Measure D funds.

SANTA MARIA RIVER RECREATIONAL TRAIL

Director of Recreation and Parks Posada gave the staff report. The request is to approve a Mitigated Negative Declaration of Environment Impact to allow the City to apply for grant funding to purchase property for an interpretive trail program. The City has previously applied for grant funds for this project, but has been unsuccessful because of a lack of an environmental assessment. Rincon Associates was hired to conduct an environmental assessment. The environmental document is the first step in a series of steps to get this project reviewed by the State Resources Agency. Adoption of the document does not bind the City to proceed with the project, nor does it commit any funds for land acquisition. It only allows the City to seek out state funds for a portion of the project. Some of the property owners are concerned about access, but looking at access at this point is premature. The City has not obtained any funding. If it is successful in obtaining funding, the first step in the process would be to design the plan with input from the public.

Councilmember Trujillo asked if the property was actually in the riverbed and if the property was owned by individual property owners.

Mr. Posada explained that all of the property was north of the levee and was owned by several property owners.

Councilmember Trujillo asked what types of problems the Police Department was having in the area.

Police Chief Macagni said one of the problems was people cutting the fence and riding motorcycles and ATV's in the riverbed. The other problem was graffiti.

Mark Sanchez, C. Sanchez & Sons, Inc., said he had met with City staff to discuss the sale of his property and supported the actions of the City. If the City acquired the property, the City would be better able to police it. If the City did not buy the property, they would probably sell it to someone else who would like to mine the property.

Homer Fox indicated he owned property immediately north of the proposed project. He said he had a lot of vandalism on his property currently. If the City bought the proposed property and did not fence it in, he would have a lot more vandalism on his property.

Robert Williams stated he had read the environmental document and thought what was now an illegal operation would become legal. He said he did not think the document took into consideration the detrimental impact on the neighboring property owners. The major problem in that area is teenagers with rifles. There is a lack of police protection in the area, and law enforcement officers say there is nothing they can do. The environmental document did not address all the issues.

Robert Cossa stated there was a lot of trouble and trespassers in that area. People have gotten hurt and died. There have been problems with cattle being shot. The environmental document did not go far enough.

Frank Fernandes stated he currently owned forty acres in the middle of the riverbed west of Bull Canyon and was opposed to the project. He said he has been working with San Luis Obispo County to get a permit to mine sand. He was worried about having people in the area when he was trying to mine.

Mark Gomes said he was opposed to establishing a park or nature trail. There is still a lot of shooting going on in the area. There are environmental concerns that were not addressed. There should be a buffer between residential and agricultural uses, and the riverbed provides that now.

Councilmember Mariscal stated he understood that the environmental study was done to allow staff to submit a grant application for funding. He asked if the grant reviewer could look at the document and tell the City it was not complete enough.

Director of Recreation and Parks Posada replied that since the grant application would go to the State, they did have that right to tell the City to expand the environmental study. City staff and the consultants felt this was adequate. If the City obtains the grant funding, then staff would look at fencing and other property owner concerns.

Councilmember Mariscal indicated he appreciated the problems the farmers were having with trespassers, but that was not the type of people who would be using the nature trail. The people using the trail will be looking to protect the environment and keeping people out who are vandalizing the area. The City should be a little more supportive of buffer zones, and this would ensure an adequate buffer zone in the area.

Councilmember Patino stated she was opposed to this project. There are people carrying guns and shooting. It would give people who do carry guns the right to be there legally. The City has a levee recreational trail there now that is not being used the way people thought it would be. The property is in San Luis Obispo County. There are tiger salamanders and other endangered species there. With budget constraints, the money could be better spent on other things.

Councilmember Orach stated if the City owned the property, it would be better able to police the area. Currently it is not City property. For healthy communities and safe communities, the more things there are to do the better. There are people in the community who would like this type of nature trail. The City should at least see if it could get the grant to establish an approved nature trail.

Resolution No. 2004-69 was adopted on motion by Councilmember Mariscal, second by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, and Trujillo
NOES: Councilmember Patino and Mayor Lavagnino
ABSENT: None
ABSTAIN: None

Resolution No. 2004-69 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA ADOPTING MITIGATED NEGATIVE DECLARATION, E-2004-005, FOR THE SANTA MARIA RIVER RECREATIONAL TRAIL, SP-2004-001.

REPORT BY CITY MANAGER

City Manager Ness reported on items for the May 4, 2004, City Council meeting including three proclamations for Peace Officers Memorial Day, National Public Works Week, and Day of Prayer. Also on May 4th will be the Quarterly Financial Report for the third quarter, an appointment to the Landmark Committee, and a public hearing on the SMAT operations contract.

ORAL REPORTS OF COUNCILMEMBERS AND OFFICERS

Councilmember Patino spoke about a newspaper article regarding licensed and unlicensed push cart vendors. It has gotten out of hand, and the City needs to do something about the unlicensed vendors. Code Compliance can only do so much. The City Council continues to give them more work without additional resources.

Mayor Lavagnino agreed the Council had not given Code Compliance the resources they need. These were the types of problems in the City that need to be acted on. Illegal push cart vendors should be taken off the streets.

Councilmember Mariscal said he had had a brief conversation with Code Compliance Supervisor David Garcia about the division's work load. Mr. Garcia told him if it wasn't for the volunteers who assist them, they would be inundated. If someone was driving a car without a license, the police department could impound the car. There needed to be some strong penalties for these types of violations as well.

Mayor Lavagnino requested staff put together a report on what the City could do about illegal push cart vendors for a future Council meeting.

Councilmember Mariscal reported on his trip to Italy and thanked the other members of the Council for handling the last meeting without him.

CLOSED SESSION

The City Council recessed at 9:03 p.m. to a Closed Session for Conference with Legal Counsel regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Santa Maria Valley Water Conservation District v. City of Santa Maria, and Conference with Legal Counsel – Anticipated Litigation significant exposure to litigation pursuant to Subdivision (b) of Government Code Section 54956.9 (1 matter).

After the Closed Session, the following was announced:

Santa Maria Valley Water Conservation District v. City of Santa Maria – Status report with no action taken.

Anticipated Litigation (1 matter) – Report and direction to staff was given.

ADJOURNMENT

There being no further business to come before the City Council at this time, the meeting was declared adjourned at 9:40 p.m. by order of Mayor Lavagnino.

APPROVED May 4, 2004
Date

ATTEST:
Chief Deputy City Clerk

Chief Deputy City Clerk of the City of Santa Maria and ex-officio Clerk of the City Council

Mayor of the City of Santa Maria